



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Status of Code Enforcement regarding Mobile Food Vendors

MEETING DATE: September 20, 2006

PREPARED BY: Community Improvement Manager

RECOMMENDED ACTION: That the City Council review and discuss the status of the current enforcement action pertaining to food vending vehicles.

BACKGROUND INFORMATION: On July 19, 2006, the Community Development Department presented information to the City Council pertaining to regulations that apply to food vendor operations in this community. That presentation included not only a review of existing code regulations, but also a reference to previously proposed regulations and upcoming changes in the Development Code that would address these issues, as well as the traffic, health and safety concerns that staff has had regarding the permanent operation of food vending vehicles from private property.

At the conclusion of that presentation, direction was given to initiate an enforcement action to address the permanent operation of food vending vehicles on private property, by using our existing code regulations. Staff clarified and confirmed that this was an outright ban on the food vending vehicles operation from private property.

The enforcement action, which was initiated on August 7, 2006, was broken into three phases. The phasing of the enforcement project was intended to make the overall task more manageable by breaking the fifteen or so known food vending vehicle locations throughout Lodi into three groups of five. The first group of five vendors, all of which happen to be located along the Cherokee Lane corridor, were issued Notices of Violation (NOV) on August 7th, and were required to abate their violations within one week, August 14th. The NOV listed the general zoning regulation that states that all business, with few exceptions, must be conducted from within an enclosed building. In addition, any other violations of land use, safety or nuisance regulations that were noted at the locations were listed as well.

As the vehicles would not be able to operate from private property any longer, a copy of the pertinent regulations that apply to their operation from the public right-of-way were attached for their reference and carry the following requirements:

- Ten minute limit at one location.
- No traffic hazard.
- Maintain certain distances from schools and controlled intersections.

Information was also provided regarding the allowance for a Special Permit to stay in one location for longer than ten minutes, which could be granted by the City Council.

APPROVED: _____

Blair King, City Manager

Upon completion of the three initial phases of the enforcement project, it has been our intent to follow up with compliance inspections and further enforcement action as necessary. However, after the issuance of those first five Notices, the Community Development Department received many inquiries from not only those five cited vendors, but several of the other vendors as well. In order to address their questions and concerns, the attached Memorandum explaining the enforcement action and their options for operating from the public right-of-way was issued in both English and Spanish and distributed to all food vending vehicle locations. In addition, the Community Improvement Manager met with several of the vendors and their legal representatives, representatives from the local Chamber of Commerce and the Chamber's Hispanic Business Committee, as well as a few of the customers of the food vendors to further explain the enforcement action that was underway. It was at that time also that this issue received substantial coverage through the local television news stations and newspapers.

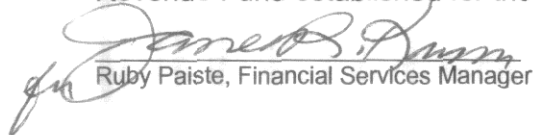
At the conclusion of that meeting, the group of vendors let it be known that they would appear before the next Council meeting to ask that this issue be brought back for further consideration.

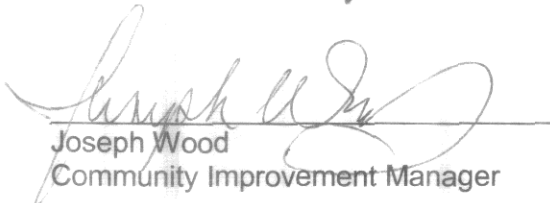
In our communication with the Chamber of Commerce's Hispanic Business Committee, they have made it clear that they support both the existence of the food vendors in this community and the City's concerns over certain sanitation, traffic and safety issues and hope that there is a way that a compromise can be reached to accommodate both sides of this issue.

FISCAL IMPACT: As with any code enforcement action, the initial enforcement activities would be funded through the General Fund. All follow up enforcement and abatement action would be funded through the cost recovery measures that have been established.

In accordance with the Operational Priorities that were adopted by Council in the Policy Statement for the Code Enforcement Program, committing code enforcement personnel for this enforcement project will divert them from responding to other lower priority complaints.

FUNDING AVAILABLE: This activity would be funded through the General Fund and the Special Revenue Fund established for the Community Development Department.


Ruby Paiste, Financial Services Manager


Joseph Wood
Community Improvement Manager

Concurred: 
Randy Hatch
Community Development Director

Attachments

cc:



MEMORANDUM, City of Lodi, Community Development Department

To: Food Vending Vehicle Operators
From: Joseph Wood, Community Improvement Manager
Date: August 8, 2006
Subject: Current Enforcement Action

Due to complaints that have been received, the City of Lodi Community Development Department is currently starting an enforcement action on all mobile food vendors that are operating on private property.

Debido a quejas que hemos recibido, el Departamento de Comunidad de la Ciudad de Lodi corrientemente comienzo actuar contra los vendedores móvil de comida que están operando sobre propiedad privada.

Existing land use regulations require that businesses be conducted from within an enclosed building. Food vending vehicles that operate from permanent locations on private property are in violation of that regulation.

El reglamento de uso de tierra requiere que negocios se haga dentro de un edificio cerrado. Vehículos que venden comida y operan de locaciones permanentes en propiedad privada están en violación de los reglamentos.

The Notice of Violations that are being issued list that as the primary violation that needs to be corrected. For those locations where electrical extension cords, tables and shade structures are being used, the Notices of Violation also list those as separate code violations.

El Aviso de Infracción se esta entregando como violación primaria y se necesita corregir. Para la localidad donde extensiones de electricidad, mesas y cubrimientos para sombra, los Avisos de Infracción también demuestra aparte los códigos de infracción.

The only allowable way to correct the violations listed is to stop operating from private property. The regulations that apply to operation from the public right-of-way (streets and sidewalks) have been attached to the Notices of Violation and are summarized below:

La única forma que se permite corregir las violaciones es de dejar de operar en propiedad privada. Las reglas que aplican para operar en público (calles y banquetas) esta junto con el Aviso de Infracción y esta resumido abajo:

10 Minute Limit - Limite de 10 minutos

You cannot stop in one location for longer than 10 minutes and must move at least 100 feet, to a new location each time.

No puede estacionarse en una localización por más de 10 minutos y tiene que moverse más de 100 pies, a una nueva localización cada vez.

Traffic Hazard - Trafico Peligroso

You cannot create a traffic hazard.

No puede causar tráfico peligroso.

Distances from Schools and Intersections - Distancias de Escuelas e Intersecciones

You cannot operate within 300 feet of a school or 100 feet from an intersection that is controlled by a stop light or four-way stop sign.

No puede operar dentro de 300 pies de una escuela o 100 pies de una intersección que esta controlada por un semáforo o un letrero de alto.

Special Permit - Permiso Especial

Vendors must obtain a special permit from the City Council to operate permanently (longer than 10 minutes) from any specific location on the street or sidewalk.

Vendedores tienen que obtener un permiso del concilio de la Cuidad para operar permanente (mas de 10 minutos) de cualquier localización especifica en la calle o banqueta.

While not the best option for addressing the nuisance issues that have been documented (hazardous wiring, unsanitary conditions, traffic hazards) this is the direction that we have been given. I would welcome a meeting with representatives from all the food vending vehicles in order to better communicate the issues that we are trying to address.

Sabemos que esta no es la mejor manera de tratar este asunto que fueron documentados (cables peligrosos, condiciones que no están sanitarias, trafico peligroso) esto fue las instrucciones que nos dieron. Con gusto podríamos tener una junta con representantes de los vendedores de comida móvil para mejor comunicar los asuntos que estamos tratando.

Please contact me if you have any questions. We do have Spanish-speaking staff available.

Por favor comunicase con migo si tiene cualquier pregunta. Tenemos empleados disponibles que hablan español.

Joseph Wood
Community Improvement Manager

**A MEETING HAS BEEN ARRANGED FOR THURSDAY, AUGUST 17 @ 3:00 IN THE
COUNCIL CHAMBERS AT CARNEGIE FORUM, 305 W. PINE STREET**

**UNA REUNIÓN SE HA ARREGLADO PARA EL JUEVES 17 DE
AGOSTO @ 3:00 EN EL FORO de CARNEGIE, 305 W. PINE STREET**

Status of Code Enforcement Regarding Mobile Food Vendors

September 20, 2006

Community Development
Department

Review of Previous Action

- July 19, 2006
 - Presentation to Council
 - Direction Given to Proceed Using Existing Code

- August 7, 2006
 - Enforcement action initiated

Enforcement Action Taken

- Enforcement action broken into 3 phases.
- Notices sent out listing the general land use code requirement:
 - Business Conducted Within an Enclosed Building
 - Other land use, safety, nuisance violations noted as well.

Enforcement Action Taken

- Additional Information Provided
 - Copy of pertinent regulations that apply to operation from the public right-of-way.
 - Ten minute limit at one location
 - Must move at least 100'
 - No traffic hazard
 - Maintain certain distances from schools and controlled intersections
 - 300' from schools
 - 100' from intersection controlled by 4-way stop or a traffic signal.

Enforcement Action Taken

- Additional Information Provided
 - Allowance for a Special Permit, issued by City Council, to stay in one location for longer than ten minutes.
 - Fugazi's Hot Dog stand
 - Street Faire and Farmer's Markets

Enforcement Action Taken

- Upon completion of the three phases,
 - Follow up with compliance inspections
- Initial Response from Vendors in Phase I
 - Inquiries from the initial five vendors and several of the other vendors.
- Memorandum to clarify enforcement action being taken distributed to all vendor locations.
 - English and Spanish

Enforcement Action Taken

- Meeting arranged with vendors.
 - Included representatives from Chamber of Commerce.
 - Including the Chamber's Hispanic Business Committee
 - Several customers also attended.
 - Clarified requirements.
 - At conclusion, the vendors made it known that they would appear before Council to ask that this issue be brought back for further review and discussion.

Continued Communications

- Chamber of Commerce's Hispanic Business Committee
 - Voiced their support for both the vendors and the City's concerns over certain sanitation, traffic, and safety issues.
 - Desire to work towards a resolution to satisfy both.
- Contact with local restaurants.
 - Opinions fall on both sides of the issue.

Current Status

- Phase I completed.
 - Vendors along Cherokee Lane corridor.
 - 3 of the 5 locations are in compliance.
- Phases II & III still pending.
- Increase in complaints regarding push cart vendors on streets and sidewalks.
- Complaints beginning to come in regarding itinerant merchants.
 - Subject to the same enclosed building requirements.